



Alex Rittberg

Tank Management Section

Legislative Changes

Newer Underground Storage Tank Facilities



Former Foulk Road Getty Foulk and Silverside , North Wilmington



Maintenance of the soil cap,
vapor barrier, continued
operation of the Duel Phase
Vacuum Extraction System,
and a Groundwater
Management Zone (GMZ) .





Out of Service Orphan and Enforcement Projects



Liability Under 7 Delaware Code

Chapter 74

Proximate Cause

The Department has to show that the owner or operator stored regulated substances in the tank **and** caused the release.

2012-1985= 27 Years

Richardson Park SMO #492- Maryland Ave Wilmington



Owner History

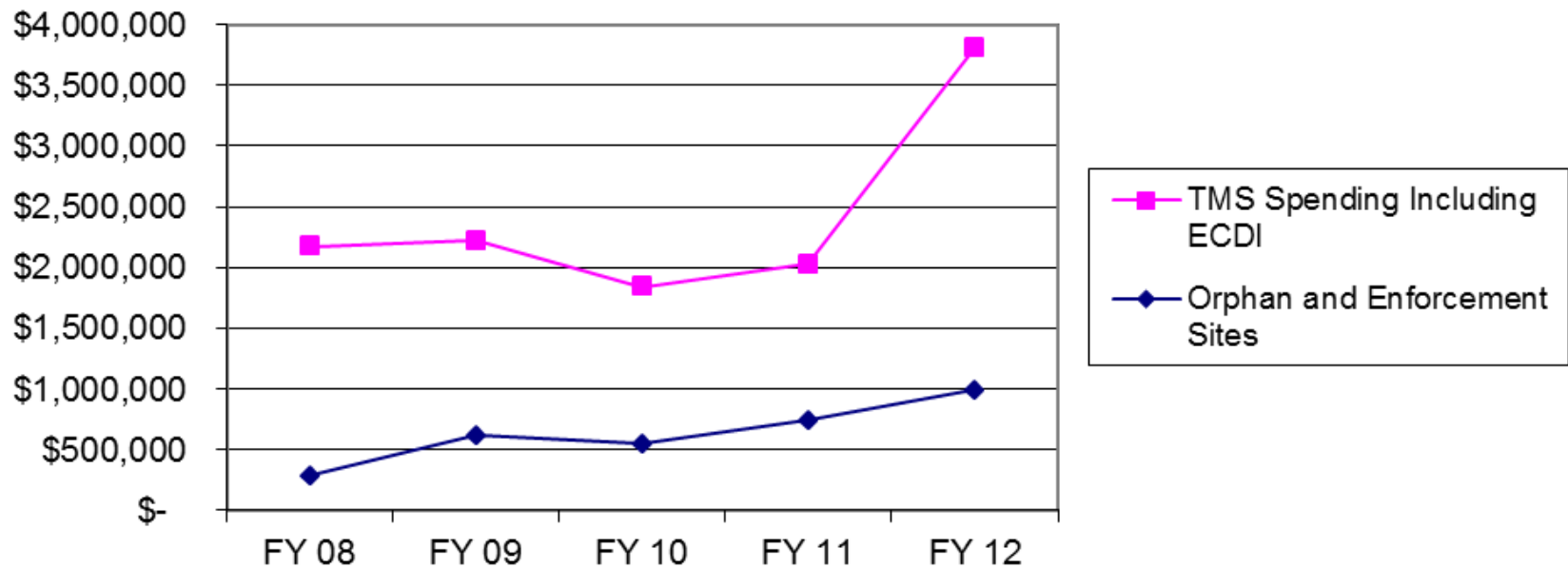
MAKS Group LLC	2008
SMO Inc.	2007
SMO Realty	2001
Motiva	1998
Shell Oil	1985

Release History

Confirmed Release #3	2008
Confirmed Release #2	2003
Confirmed Release #1	1998

HSCA Funds Spent on LUST Projects

HSCA Spending on LUST Projects



Potential Liability to HSCA for Orphan Shares Is Out There?

Over 50% of all UST Systems used for Commercial Use
have had multiple owners since 1985

Over 90% have had at least one confirmed release
50% have had multiple releases

Potential Orphan Share for Cleanup Activities:

For every 100 Orphan Facilities X (\$150,000) = \$15 Million

Clarify authorities for Site Access

Current Issue Involving Contaminated Public Well

Rehoboth Delaware



Suggested Changes to 7 Delaware Code Chapter 74

- Clarify authority to use HSCA Funds for State Lead LUST and LAST Cleanup Work including establishing a home heating oil tank removal financial assistance program
- Instead of Proximate Cause switch to a Presumptive Cause Model where it's assumed the current owner and operator caused the contamination unless they can prove otherwise.
- Require environmental investigations at property transfer to determine if releases occurred under a specific person's ownership.
- Clarify Site Access Authorities

Questions?



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